

## **REMARKS**

The last Office Action of February 9, 2006, has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-11 are pending in the application. No claim has been amended or canceled. Claim 12 has been added. No amendment to the specification has been made. No fee is due.

Support for new claim 12 can be found in FIG. 1 and in paragraph [0016] of the original specification.

Claims 1-9 stand rejected under 35 U.S.C. §102(b) as being anticipated by Pettersson, U.S. Pat. No. 5,505,004.

Claims 10 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Pettersson '004 in view of Pettersson, U.S. Pat. No. 5,287,629.

### **REJECTION UNDER 35 U.S.C. §102(b)**

Examiner Action interprets the Pettersson '004 reference as disclosing a primary crossbeam (5, 11) (FIGS. 1, 3a, and 6) disposed between respective movable support elements (6, 7-9) supporting the machine.

However, the '004 patent explicitly discloses that the support elements are fixed: "Both the vertical leg 7 and the vertical leg 8 are fixedly mounted on the base member." (col. 5, lines 3-4). The reference therefore does not teach or suggest movable support elements, as recited in claim 1.

The Examiner further alleges that the '004 patent disclose rigid crossbeams (2, 12) that extend parallel to the respective primary crossbeam (5, 11). However, the drawings in the '004 patent leave no doubt that the rigid crossbeams (5, 11) are always perpendicular to primary crossbeams (5, 11).

The reference therefore does not teach or suggest the relative orientation of primary and rigid crossbeam, as recited in claim 1.

Moreover, the Examiner alleges that the '004 patent discloses that a measuring probe connected to the primary crossbeam measures bending of the primary crossbeam (5, 11) relative to the secondary (rigid) crossbeam (5, 11). However, the '004 patent explicitly discloses indicating the position of the probe (1) in the coordinate system. The reference therefore does not teach or suggest that the measuring probe measures a deflection of the primary crossbeam relative to the secondary crossbeam, as recited in claim 1.

Since the '004 patent, Applicant respectfully requests that the rejection of claims 1-9 as being anticipated by Pettersson be withdrawn.

For the reasons set forth above, it is applicant's contention that Pettersson '004 fails to disclose all the elements of claim 1 or elements performing a substantially identical function and thus neither teaches nor suggests the features of the present invention, as recited in claim 1.

As for the rejection of the dependent claims 2-9, these claims depend on claim 1, share its presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

Withdrawal of the rejection under 35 U.S.C. §102(b) is thus respectfully requested.

#### **REJECTION UNDER 35 U.S.C. §103(a)**

Claims 10 and 11 which depend from claim 1 and therefore contains all the limitations thereof, patentably distinguishes over the applied prior art in the same manner as claim 1.

It is noted in addition that the '629 patent fails to disclose any of the elements or features missing from the '004 patent discussed *supra*.

Withdrawal of the rejection under 35 U.S.C. §103(a) is thus respectfully requested.

## CONCLUSION

Applicant believes that when reconsidering the claims in the light of the above comments, the Examiner will agree that the invention is in no way properly met or anticipated or even suggested by any of the references however they are considered.

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

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